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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/016,117
Filing Date: October 30, 2001
Appellant(s): FARALDO, DAVID D.

Daniel E. Ovanezian
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 17th, 2008, appealing from the Office

action mailed October 16th, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of

claims under appeal:

Rangarajan (U.S. Patent 5,987,514) issued on November 16th, 1999.

Graf (U.S. Patent 5,619,656) issued on April 8th, 1997.

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 7-9, 15-17, 23-25, 29, and 41-44 are rejected under 35 U.S.C. 102(e)

as being anticipated by *Rangarajan* (U.S. Patent 5,987,514, hereinafter "*Rangarajan*").

3.   As per claims 1, 9, 17, and 25, *Rangarajan* teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an

occurrence of a predetermined event to a first person in a hierarchy; and (*Rangarajan*,

col. 5, lines 39-56; col. 9, lines 19-58; fig. 2)

enabling an advanced notification rule to preempt the standard notification rule

by suspending the first notification from being generated upon the occurrence such that

the first notification is not generated (*Rangarajan*, col. 5, lines 57-63; col. 9, lines 19-58;

fig. 2).

4.   As per claims 7, 15, and 23, *Rangarajan* teaches the system further wherein the

advanced notification rule includes a scope and wherein the scope of the advanced

notification rule is configured by at least one of the group consisting of a company, a

satellite, a host assigned to a company, a service configured on a host for a company, a

check type, a host state, a service state, a contact group, and a message pattern

(*Rangarajan*, col. 7, lines 35-68).

5.   As per claims 8, 16, and 24, *Rangarajan* teaches the system further where the

advanced notification rule is configured to preempt the standard notification rule for a

temporary amount of time (*Rangarajan*, col. 7, lines 1-38).

6.   As per claim 29, *Rangarajan* teaches the system further wherein the

communications device transmit the first notification to the first person in the hierarchy

and the processor acknowledges the first notification (*Rangarajan*, fig. 2, item 70 and

col. 7, lines 5-58).

7.   As per claims 41, 42, 43, and 44, *Rangarajan* teaches the system further wherein

the processor is configured to enable the advanced notification rule to preempt the

standard notification rule while continuing monitoring for the predetermined event

(*Rangarajan*, the structure of col. 6, lines 30-41, where the alternate proxy field is used

to continue monitoring for the predetermined event after preempting the standard

notification rule in col. 7, lines 20-29, col. 8, lines 40-55, and fig. 5B).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 2, 10, 18, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Rangarajan* (U.S. Patent 5,987,514) and *Graf* (U.S. Patent

5,619,656).

10.   As per claims 2, 10, 18, and 26, *Rangarajan* teaches the above, yet fails to teach

the system further comprising: generating a second notification to a second person in

the hierarchy based on the advanced notification rule.

        Graf teaches an event notification system (*Graf*, col. 5, lines 38-41) that redirects

an additional notification to a specific person (*Graf*, col. 21, lines 37-44), generates

supplemental notifications to second persons (*Graf*, col. 21, lines 30-50), suspends a

standard notification (*Graf*, col. 20, lines 1-5), and automatically acknowledges

notifications (*Graf*, col. 20, lines 50-67).

        It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to have combined *Rangarajan* and *Graf* to provide the notification

system of *Graf* in the system of *Rangarajan*, because doing so would enable a tool that

automatically detects and informs administrators of problems in networking systems in a

manner that is more efficient than statically determining notification destinations (*Graf*,

col. 3, lines 8-24).

(10) Response to Argument

In the Argument, appellant argued in substance that

(**A**)(**1-3**) *Rangarajan* fails to disclose enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated. The "signaling action" that may include sounding an alarm, sending an e-mail, or providing visual displays (*Rangarajan*, col. 1, lines 36-40) fails to qualify as a notification rule.

Even were *Rangarajan* to disclose a standard notification rule, the reference fails to teach an advanced notification rule capable of preempting the standard notification rule. The "stop" event described in *Rangarajan* cannot act as an advanced notification rule because it stops all generation of event reports and consequently, all notification (signaling) actions. Further, the event request fails to read on the advanced notification rule.

As to points (**A**)(**1-3**), *Rangarajan* teaches a network management system that generates notifications in response to network events based on different rules (col. 2, lines 19-32). The network manager monitors the attributes of different network devices to ascertain whether they are functioning properly (col. 5, lines 39-46). To do this, the network manager creates an "event request" with a desired value (e.g., if the device is overloaded) and analyzes an "event report" that returns the requested information (col.

5, lines 46-56). The manager then may take an action based on the predefined responses for the event, such as sending a notification or sounding an alarm (col. 5, lines 50-63; see also "console procedure" that acts on the event report in col. 8, lines 40-49). The process may be defined using multiple "Event Request Records" that each incorporate "Attribute Records" (col. 6, lines 62-67; see plurality of Event Request Records in col. 8, lines 4-11). Also, although *Rangarajan* describes mid-level managers (where the actual polling and event evaluations take place) as separate from the network manager for clarity, it is taught that they can exist as one machine (col. 6, lines 33-36).

The claims define a "notification rule," in both "standard" and "advanced" form, with no further limitation or definition given to the term "notification rule." When given a broadest reasonable interpretation, the notification rule is equivalent to what is contained in *Rangarajan*'s Event Request Record described above (col. 6, lines 59-63). *Rangarajan* defines this Event Request Record further in col. 7, lines 1-59. The Event Request Record may contain a frequency and time interval in which to interact with a network device ("Count" and start/stop dates and times in col. 7, lines 1-20), threshold values in which to take action (col. 7, lines 35-44), and an action to take in response (e.g., the stop request parameter of col. 7, lines 45-46).

Many actions can be taken in response, including stopping all rules from processing (via preemption), sending a request to another device, repeating a request over a different pathway, sending a notification, or taking no action at all (col. 5, line 51 to col. 6, line 29). The "stop event" in particular can be used in an advanced notification

rule to preempt standard notification rules from being generated upon the occurrence of a predetermined event such that a first notification is not generated (i.e., by turning off polling to see if a standard notification rule should later trigger). Specifically, *Rangarajan* defines the stop action as follows: "[the stop] action, in turn, stops additional events from being generated. As a result, network management traffic is reduced." (col. 5, lines 60-63).

To illustrate this limitation mapping, an example may be helpful. A first Event Request Record (i.e., the "standard notification rule") would start at 3:00 PM and would send a notification if the device failed (see start time field, threshold1, and relation1 of col. 7). A second Event Request Record (i.e., the "advanced notification rule") would start earlier at 1:00PM and would stop all polling if the device failed and the CPU usage is high (see start time field, both thresholds, and both thresholds of col. 7). If at 2:00PM a device had high CPU usage and failed, the advanced notification rule would trigger and send a stop event.

Such a stop event would preempt the standard notification rule by suspending the first notification rule from being generated upon the occurrence such that the first notification is not generated. That is, when 3:00PM arrived the standard notification rule would not poll because of the stop event and the first notification would not be generated. *Rangarajan* contemplates this example in col. 9, lines 48-57. A network device failure that also involved high CPU usage would likely require intervention from a network administrator to return to operating status, and therefore, sending repeated

future notifications to the network administrator would only be a traffic burden on the
network (col. 9, lines 48-57).

Appellant appears to argue against the use of a "stop event" as a source of
preemption by using an extremely limited reading of the claim phrase "occurrence of a
predetermined event." More specifically, that the occurrence of the "event" must
happen within one polling interval and that all rules must execute simultaneously (see
Appeal Brief pages 12-13, where this reading "would result in an effectively non-
functional system"). The Examiner respectfully disagrees with this limited definition of
the term. A reasonable interpretation would include, for example, an occurrence of a
device failure event that lasts for a lengthy period of time (see above device failure
example). The failure of a network device would also be a type of event that is
"predetermined."

(**A**)(**4**) *Rangarajan* fails to disclose an advanced notification rule configured to
preempt a standard notification rule for a temporary amount of time.

As to point (**A**)(**4**), the advanced notification rule is equivalent to what is
contained in *Rangarajan*'s Event Request Record as described above (col. 6, lines 59-
63). *Rangarajan* defines this Event Request Record further in col. 7, lines 1-59. The
Event Request Record rule may contain a frequency and time interval in which to
interact with a network device ("Count" and start/stop dates and times in col. 7, lines 1-

20). The Record fields include both a start time and end time in order to effectively act

for a "temporary amount of time" (col. 7, lines 1-14).

(**B**)(**1-3**) *Graf* fails to disclose an advanced notification rule configured to preempt

a standard notification rule for a temporary amount of time.

As to points (**B**)(**1-3**), *Rangarajan* teaches these limitations as described in the

response to (**A**)(**1-3**) above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/N. T./

Examiner, Art Unit 2141

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